

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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PROMEGA CORPORATION,

Plaintiff,

MAX-PLANCK-GESELLSCHAFT ZUR  
FORDERUNG DER WISSENSCHAFTEN  
E.V.,

Case No.: 10-CV-281

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,  
INVITROGEN IP HOLDINGS, INC., and  
APPLIED BIOSYSTEMS, LLC,

Defendants.

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**PLAINTIFF PROMEGA CORPORATION'S MOTION TO STRIKE  
DEFENDANTS' MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION  
FOR PARTIAL SUMMARY JUDGMENT OF NONINFRINGEMENT AND  
INVALIDITY, OR IN THE ALTERNATIVE, REQUEST TO DISREGARD ALL  
ASSERTED FACTS IN THE MEMORANDUM NOT FOUND IN DEFENDANTS'  
PROPOSED FINDINGS OF FACT**

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Plaintiff Promega Corporation ("Promega") hereby moves the Court for an order granting this Motion to Strike Defendants' Memorandum in Support of Defendants' Motion for Partial Summary Judgment of Noninfringement and Invalidity (Dkt. # 245), or in the Alternative, Request to Disregard All Asserted Facts in the Brief Not Found in Defendants' Proposed Findings of Fact.

The grounds for this Motion are set forth fully in Promega Corporation's Brief in Support of Motion to Strike Defendants' Memorandum in Support of Defendants' Motion for Partial Summary Judgment of Noninfringement and Invalidity, or in the

Alternative, Request to Disregard All Asserted Facts in the Brief Not Found in  
Defendants' Proposed Findings of Fact.

Dated this 21<sup>st</sup> day of September, 2011.

Respectfully Submitted,

By: s/ James R. Troupis  
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Peter G. Carroll (admitted *pro hac vice*)  
Stewart W. Karge (admitted *pro hac vice*)  
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